

# COMMUNITY UNIT PLAN

## WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT INSTRUCTIONS FOR FILING AN APPLICATION

The Community Unit Plan (CUP) overlay district is intended to provide well planned and well organized developments for residential uses of varying densities and for office, commercial, industrial and/or mixed uses which are held under unified control at the time of initial approval. It is intended to protect the public safety, convenience, health and general welfare through standards and provisions which establish requirements as to lot coverage, building height, setback and screening that permit review of the size, shape and location of such facilities with due regard to the tract as a whole so as to ensure the development of facilities with proper ingress and egress, parking, drainage facilities, screening, sign control, environmental control and other requirements and amenities. The character of the development should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution in value of surrounding property and to ensure the proposed development can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a CUP, the Planning Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the development's expected impacts on existing and planned facilities. Other plans, drawings or information that are deemed necessary to enable proper consideration of the request also may be required.

For all property zoned LC or GC that is held in common ownership or under unified control and that is six (6) acres or more in size, a development plan shall be submitted under the CUP provisions of the Unified Zoning Code prior to commencing development or construction. This requirement is waived if the property is subject to a Protective Overlay. In addition, owners of property zoned LC or GC that is less than six (6) acres in size, or owners of property zoned NO, GO, NR, OW, IP-A, IP, CBD, LI, GI or U of any size may voluntarily apply for the approval of a CUP. Owners of property permitting residential uses also may submit a CUP for development of the property for residential purposes.

1. All applicants desiring to submit a CUP application should consult with the Metropolitan Area Planning Department (MAPD) prior to submitting a formal application. The purpose of the consultation is to advise the applicant of the rights and responsibilities in submitting such an application.
2. A CUP application is referred to the Metropolitan Area Planning Commission (MAPC) for a public hearing. The MAPC may approve, approve with conditions or modifications, or deny a CUP request. The MAPC typically meets twice a month on Thursdays in the 2<sup>nd</sup> Floor Conference Room at The Ronald Reagan Building, 271 W. 3<sup>rd</sup> Street. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a CUP application must be submitted to be heard on a specific date. It is the policy of the MAPC to consider no more than nine (9) new applications at any regular meeting; therefore, processing of an application may be delayed if too many new applications are received for a specific public hearing date.
3. If the subject property is within the "Area of Influence" of a small city, the application will be scheduled for consideration by the small city Planning Commission prior to being considered by the MAPC, which may delay processing of an application if the small city's next hearing date is more than one week prior to or is after the requested MAPC hearing date. Applicants may contact a small city for a schedule of that city's Planning Commission hearing dates.
4. If the subject property is located within the City of Wichita, the application may be scheduled for consideration by the District Advisory Board (DAB) for the City Council district in which the property is located. The applicant

will be notified approximately three weeks after submitting the application of the date and time of the DAB meeting, if the request is to be considered by the DAB.

5. If the CUP is accompanied by a rezoning application, or if the MAPC's action is different from the small city's recommendation, or if an appeal is filed, the MAPC's action becomes a recommendation that is forwarded to the Governing Body for final action. The Governing Body typically considers CUP requests one month after the MAPC public hearing.
6. The MAPC or Governing Body may require the applicant to plat or replat the property to provide adequate street right-of-way, drainage and utility easements, access control, etc. If so, the CUP will not become effective until the platting/replatting process has been completed and the plat has been recorded with the Register of Deeds.
7. The applicant shall submit a completed application form for a CUP request. An application to establish a CUP must be signed by all property owners or by the authorized agent(s) of such owner(s). An application to amend a CUP shall be signed by the owner(s) or authorized agent(s) of all land that will be directly affected by the amendment (i.e., the parcel(s) being amended). An application to adjust a CUP shall be submitted according to the instruction sheet for an Administrative Adjustment, which is available separately from the MAPD.
8. The applicant shall submit ten (10) 24" x 36" folded copies and one (1) 11" x 17" copy of the proposed CUP. Each application for CUP approval shall be accompanied by a CUP site plan that, at a minimum, includes the following information: (a) a detailed summary and graphic presentation of proposed land uses and development intensities; (b) a screening and buffering plan; and (c) a plan for traffic circulation and access.

The MAPD will review the proposed CUP, and typically three weeks after receiving the application, the MAPD will transmit comments and recommended revisions of the CUP to applicant. The applicant shall then prepare a revised CUP and shall submit eighteen (18) 24" x 36" folded copies and one (1) 11" x 17" copy of the revised CUP. The applicant typically will have one week to prepare the revised CUP. Failure to submit the revised CUP in a timely manner may result in a delay of processing the application and the applicant being charged a deferral fee. If the CUP is required to be scheduled before the Governing Body for final action, additional copies may need to be submitted between the MAPC and Governing Body hearing dates. Again, failure of the applicant to submit these additional copies of the CUP in a timely manner may result in a delay of processing the application and the applicant being charged a deferral fee. When the CUP has received final approval, four (4) 24" x 36" folded copies and one (1) 11" x 17" copy of the CUP shall be submitted to the MAPD for record-keeping purposes.

9. An application for a CUP approval or amendment shall be accompanied by a current ownership list certified by a title company containing a legal description of the area in the application as well as the name of the owner, and shall include the names and mailing address (with zip codes) of all property owners within the following prescribed distance measured from the perimeter of the application area:

For applications within unincorporated Sedgwick County: 1,000 feet

For an original CUP within Wichita:

Up to and including 1 acre	200 ft.
Over 1 acre to 6 acres	350 ft.
Over 6 acres to 15 acres	500 ft.
Over 15 acres to 25 acres	750 ft.
Over 25 acres	1,000 ft.

For an amendment to a CUP within Wichita:

All owners within the CUP plus all owners within a radius of the parcel(s) being amended which is equal to the radius of the original notification.

The certified ownership list shall also be provided in an electronic format that is compatible with Microsoft Word. The electronic file shall be provided via E-mail ([MCrockett@wichita.gov](mailto:MCrockett@wichita.gov)) or on a CD. An application shall not be considered complete until the ownership list has been provided in the required electronic format.

10. In accordance with local policy, the applicant shall post one or more development application signs on the application site for at least 13 days immediately prior to the scheduled public hearing of the application request. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$3, and one sign is required for each street frontage.

11. The applicant shall submit the required filing fee as follows:

	<u>City Fees</u>	<u>County Fees</u>
Original – when filed separately	\$1,010 + \$25/Acre + sign fee	\$880 + \$22/Acre + sign fee
Original – with rezoning application	\$695 + \$25/Acre + sign fee	\$605 + \$22/Acre + sign fee
Major Amendment (design or use change affecting 50% + of the area in the CUP)	\$1,010 + sign fee	\$880 + sign fee
Minor Amendment (design or use change affecting less than 50% of the area in the CUP)	\$695 + sign fee	\$605 + sign fee

All checks should be payable to the “City of Wichita”, which acts as agent for the MAPD.

12. Request for a deferral of the hearing of any CUP shall be submitted to the MAPD at least 7 days prior to the scheduled hearing date. To cover the cost of preparing and mailing new notices, persons requesting a deferral will be charged a fee as follows:

Deferral	\$125 (City)	\$110 (County)
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13. All application materials and the filing fee are submitted at the MAPD, which is located on the 2<sup>nd</sup> floor of The Ronald Reagan Building, 271 W. 3rd Street and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a CUP application must be submitted to be heard on a specific date. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

## COMMUNITY UNIT PLAN CHECKLIST OF REQUIRED APPLICATION MATERIALS

- Application form
- Ten (10) 24" x 36" folded copies and one (1) 11" x 17" copy of the CUP
- Other plans, drawings, or information required at pre-application consultation ( if not applicable)
- Certified ownership list (original document and electronic copy)
- Filing fee

Note: When applying, please have yourself or your representative present during the processing of the application in case planners have questions or to correct possible errors on the application.



6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

B. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

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**FOR OFFICE USE ONLY**

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_  
 Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_  
 NA/HOA \_\_\_\_\_  
 Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

**Required Documents:**

Ownership List     BZA Justification     Legal Description     Vacation Petition     Site Plan     Signs